

November 19, 1999

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

850 Union Bank of California Building
900 Fourth Avenue
Seattle, Washington 98164
Telephone (206) 296-4660
Facsimile (206) 296-1654

REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL

SUBJECT: Department of Development and Environmental Services File No. **L99P0003**

LARSON PARKE
Preliminary Plat Application

Location: North of 184th Avenue Southeast (if extended) at the existing stubbed
portion of 114th Avenue Southeast.

Applicant: M. Burnett Larson, *represented by*
Mel Daley, Engineer
Daley-Morrow-Poblete, Inc.
1215 South Central Avenue #133
Kent, WA 98032

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions

PRELIMINARY MATTERS:

Application or petition submitted:	February 23, 1999
Complete application:	March 17, 1999

EXAMINER PROCEEDINGS:

Hearing Opened:	November 18, 1999
Hearing Closed:	November 18, 1999

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.

A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Surface water drainage

SUMMARY:

Subdivision of 14 lots on 2.06 acres in the Urban Area is approved, subject to conditions.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. **General Information:**

Developer:	Bernie Larson 26207 Woodland Way S. Kent, WA 98031
Engineer:	Daley-Morrow-Poblete, Inc. 1215 South Central Ave. #133 Kent, WA 98032
Location:	North of the existing stubbed portion of 114 th Avenue Southeast, east of 112 th Avenue Southeast. Access will be from 114 th Avenue Southeast.
STR:	32-23-5
Zoning:	R-8
Acreage:	2.06
Number of Lots:	14
Density:	6.8 units/acre
Typical Lot Size:	Approximately 3,500 to 4,000 square feet
Proposed Use:	Single family residences
Sewage Disposal:	Soos Creek Water & Sewer District
Water Supply:	Soos Creek Water & Sewer District
Fire District:	King County No. 41
School District:	Renton
Complete Application Date:	March 17, 1999

2. The facts set forth in the King County Land Use Services Division's Preliminary Report to the King County Hearing Examiner for the November 18, 1999 public hearing are found to be correct and are incorporated herein by this reference. The said report is Exhibit No. 2 in the

CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

DECISION:

The proposed subdivision of Larson Parke, as revised and received on July 28, 1999, is granted preliminary approval, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall meet the base density of the R-8 zone classification. All lots shall meet the minimum dimensional requirements of the R-8 zone classification or shall be generally as shown On the face of the approved preliminary plat, whichever is larger. Minor revisions to the plat that do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The Applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended.
6. The Applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.

7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04 and the storm drainage requirements and guidelines as established by the Surface Water Management Division. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code and requirements and shall apply to all plats.
 - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

“All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #___on file with DDES and/or the Department of Public Works. This plan shall be submitted with the application of an t building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans n file.”
8. The Applicant has received approval for the requested diversion of surface water within the project (see Drainage Adjustment L99V0343). All conditions of approval for this adjustment shall be met and shown on the engineering plans.
9. The design of the stormwater detention facility shall meet the Level 3 KCRTS Flow Control Methodology, according to the 1998 KCSWDM. Other mitigation scenarios may be considered according to Section 1.2.2.2 of the KCSWDM (Impact Mitigation).

Off-site drainage improvements are required to convey stormwater to the west across private property to 112th Avenue Southeast, then south along the east side of 112th Avenue Southeast, then west under 112th Avenue Southeast to an existing detention facility (Ruddells Pond). These improvements shall be designed according to the 1998KCSWDM.

Permission for construction of off-site private property drainage improvements is required to be submitted with engineering plans.
10. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following required road improvements:
 - a. Southeast 183rd Court shall be improved to the urban minor access road standard.

- b. The west right-of-way line for the north extension of existing 114th Avenue Southeast shall extend to the north property line of the site.
 - c. Tract B shall be improved as a private access tract per Section 2.09 of the KCRS. Tract B shall be dedicated to King County for access to the stormwater detention facility, with an access/utility easement granted to Lots 12, 13 and 14. The easement shall be shown on the engineering plans and final plat.
 - d. Modifications to the above road conditions may be considered pursuant to the variance procedures in KCRS. 1.08.
11. KCC 16.82.150D requires seasonal limitations for construction within the Soos Creek Community Planning Area. During the period from October 1, through March 31, clearing and grading is not allowed unless certain provisions are complied with as outlined in the code. The Applicant's engineering plans and construction procedures shall demonstrate compliance with the applicable code requirements.
 12. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
 13. The Applicant or subsequent owner shall comply with the King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The Applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid;" if the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
 14. Suitable recreation space and facilities shall be provided in Tract A consistent with the requirements of KCC 21A.14.180 and 190.

An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan.

A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.

A performance bond for recreation space improvements shall be posted prior to recording of the plat.

15. A homeowner's association or other workable organization shall be established to the

satisfaction of DDES to provide continued ownership of the recreation tract and its facilities; and maintenance of the recreation facilities and associated landscaping, street trees, and walkway.

16. The following condition shall apply to implement the P-suffix conditions to this property:

SO-220 (Significant Trees): Significant trees shall be retained in a residential subdivision at the rate of 20 trees per acre or ten percent of such trees, whichever is greater. A significant tree inventory shall be submitted for review prior to or with submittal of development permit applications. A detailed tree retention plan shall be submitted for review prior to or with submittal of grading permit applications or other permit applications involving grading plans.

17. Lots within the Larson Parke subdivision are subject to King County Ordinance 10162 and Ordinance 12532, which imposed impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat received final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.

ORDERED this 19th day of November, 1999.

James N. O'Connor
King County Hearing Examiner

TRANSMITTED this 19th day of November, 1999, to the following parties and interested persons:

Loretta Aschenbrenner
Mel Daley
Bill Graves
Ken Lower
Paul Morrow
Keri Akers
Nick Gillen
Aileen McManus
Bruce Whittaker

Mark Asman
Roger Dorstad
M. Burnett Larson
Linda Matlock
Seattle-King County Health Dept.
Greg Borba
Kristen Langley
Steven C. Townsend
C. J. and Irene Bernards

Paul and Mary Ann Dowd
John Gresham and Cheryle Lemelle
Eleanor Moon
D. E. Welman
Kim Claussen
Suzanne Louie
Larry West

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) ***on or before December 3, 1999***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before December 10, 1999***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE NOVEMBER 18, 1999 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L99P0003 – LARSON PARKE:

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Keri Akers and Bruce Whittaker. Participating in the hearing and representing the Applicant was Mel Daley. The only other participant in this hearing was Ken Lower, an Interested Person.

The following exhibits were offered and entered into the record:

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|----------------|--|
| Exhibit No. 1 | Department of Development and Environmental Services File No. L99P0003 |
| Exhibit No. 2 | Department of Development and Environmental Services Preliminary Report, dated 11/4/99 |
| Exhibit No. 3 | Application dated 2/23/99 |
| Exhibit No. 4 | Environmental Checklist dated 2/23/99 |
| Exhibit No. 5 | Declaration of Non-significance, dated 10/5/99 |
| Exhibit No. 6 | Affidavit of Posting indicating 3/24/99 as date of posting and 3/23/99 as the date the affidavit was received by the Department of Development and Environmental Services. |
| Exhibit No. 7 | Plat Map dated 7/28/99 |
| Exhibit No. 8 | Land Use Map -- Kroll page 604E |
| Exhibit No. 9 | Assessors Maps 32-23-5 |
| Exhibit No. 10 | Certificate of Water Availability, dated 2/23/99 |
| Exhibit No. 11 | Certificate of Sewer Availability, dated 2/23/99 |
| Exhibit No. 12 | Certificate of Transportation Concurrency, dated 2/23/99 |
| Exhibit No. 13 | Level One Downstream Analysis, dated 7/28/99 |
| Exhibit No. 14 | Conceptual Drainage Plan, dated 7/28/99 |

